

By: Carona

S.B. No. 1170

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of barbers and cosmetologists.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 1601.001, Occupations Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Barber school" means a place that holds a permit issued under Subchapter H to teach the practice of barbering and may be privately or publicly funded. The term includes a barber college.

SECTION 2. Section 1601.253, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The commission shall adopt rules for the issuance of a Class A barber certificate to a person who holds an operator license under Chapter 1602. The department shall issue the certificate to an applicant who:

(1) holds an active operator license under Chapter 1602;

(2) completes at least 300 hours of instruction in barbering that includes barber history and shaving through a commission-approved training program in a barber school;

(3) passes the examination required under Subsection (a); and

(4) submits to the department:

(A) an application on a form prescribed by the

1 department; and

2 (B) the required fee.

3 SECTION 3. Section 1601.254, Occupations Code, is amended
4 to read as follows:

5 Sec. 1601.254. ELIGIBILITY FOR BARBER INSTRUCTOR LICENSE
6 [~~TEACHER'S CERTIFICATE~~]. (a) A person holding a barber instructor
7 license may perform any act of barbering and may instruct a person
8 in any act of barbering.

9 (b) To be eligible for a barber instructor license, an [An]
10 applicant [~~for a teacher's certificate~~] must:

11 (1) be at least 18 years of age;

12 (2) have a high school diploma or a high school
13 equivalency certificate;

14 (3) hold a current [~~be a~~] Class A barber certificate;

15 (4) [~~(2)~~] have completed:

16 (A) a course consisting of 750 hours of
17 instruction in barber courses and methods of teaching in a barber
18 school; or

19 (B) at least one year of work experience as a
20 licensed Class A barber and:

21 (i) have completed 500 hours of instruction
22 in barber courses and methods of teaching in a commission-approved
23 training program;

24 (ii) have completed 15 semester hours in
25 education courses from an accredited college or university within
26 the 10 years preceding the date of the application; or

27 (iii) have obtained a degree in education

1 from an accredited college or university; and

2 (5) pass the required examination [~~five years'~~
3 ~~experience as a practicing barber in a barbershop, two years of~~
4 ~~which occurred in the two years preceding the application date; and~~

5 ~~(3) submit the required examination fee with the~~
6 ~~application].~~

7 ~~[(b) An applicant must submit a new application and fee for~~
8 ~~each examination taken by the applicant. Fees paid are not~~
9 ~~refundable.~~

10 ~~[(c) The department shall issue a teacher's certificate to~~
11 ~~an applicant who:~~

12 ~~[(1) passes the appropriate examination; and~~

13 ~~[(2) pays the required certificate fee.]~~

14 SECTION 4. Subchapter F, Chapter 1601, Occupations Code, is
15 amended by adding Sections 1601.261, 1601.262, and 1601.263 to read
16 as follows:

17 Sec. 1601.261. ELIGIBILITY FOR SHAMPOO APPRENTICE PERMIT.

18 (a) A person holding a shampoo apprentice permit may perform only
19 barbering as defined by Section 1601.002(1)(I).

20 (b) The department shall issue a shampoo apprentice permit
21 to an applicant who is at least 16 years of age.

22 (c) A shampoo apprentice permit expires on the second
23 anniversary of the date of issuance and may not be renewed.

24 (d) The commission shall adopt rules as necessary to
25 administer this section. The commission may not require an
26 applicant to:

27 (1) complete any hours of instruction at a barber

1 training program as a prerequisite for the issuance of a shampoo
2 apprentice permit; or

3 (2) pay a fee for a shampoo apprentice permit.

4 (e) A facility licensed under this chapter may employ a
5 person who holds a shampoo apprentice permit to perform shampooing
6 or conditioning services and shall pay the person at least the
7 federal minimum wage as provided by Section 6, Fair Labor Standards
8 Act of 1938 (29 U.S.C. Section 206).

9 Sec. 1601.262. ELIGIBILITY FOR BARBER

10 TECHNICIAN/MANICURIST SPECIALTY LICENSE. (a) A person holding a
11 barber technician/manicurist specialty license may perform only
12 barbering as defined by Sections 1601.002(1)(C) through (G).

13 (b) To be eligible for a barber technician/manicurist
14 specialty license, an applicant must:

15 (1) submit an application on a form prescribed by the
16 department;

17 (2) pay the required fee; and

18 (3) either:

19 (A) hold both an active barber technician license
20 and an active manicurist license; or

21 (B) meet the requirements of Subsection (c).

22 (c) An applicant who qualifies under Subsection (b)(3)(B)
23 must:

24 (1) be at least 17 years of age and have completed the
25 seventh grade or its equivalent; and

26 (2) have completed:

27 (A) 900 hours of instruction in a barber

1 technician/manicurist curriculum in a commission-approved training
2 program; or

3 (B) 600 hours of instruction in a manicure
4 curriculum and 300 hours of instruction in a barber technician
5 curriculum in a commission-approved training program.

6 Sec. 1601.263. ELIGIBILITY FOR BARBER TECHNICIAN/HAIR
7 WEAVING SPECIALTY LICENSE. (a) A person holding a barber
8 technician/hair weaving specialty license may perform only
9 barbering as defined by Sections 1601.002(1)(C), (D), (G), and (H).

10 (b) To be eligible for a barber technician/hair weaving
11 specialty license, an applicant must:

12 (1) submit an application on a form prescribed by the
13 department;

14 (2) pay the required fee; and

15 (3) either:

16 (A) hold both an active barber technician license
17 and an active hair weaving specialty certificate of registration;
18 or

19 (B) meet the requirements of Subsection (c).

20 (c) An applicant who qualifies under Subsection (b)(3)(B)
21 must:

22 (1) be at least 17 years of age and have completed the
23 seventh grade or its equivalent; and

24 (2) have completed:

25 (A) 600 hours of instruction in a barber
26 technician/hair weaving curriculum in a commission-approved
27 training program; or

1 (B) 300 hours of instruction in a hair weaving
2 curriculum and 300 hours of instruction in a barber technician
3 curriculum in a commission-approved training program.

4 SECTION 5. Section 1601.352, Occupations Code, is amended
5 to read as follows:

6 Sec. 1601.352. APPLICATION FOR BARBER SCHOOL PERMIT.

7 ~~[(a)]~~ An applicant for a barber school permit must:

8 (1) provide to the department adequate proof of
9 financial responsibility;

10 (2) submit an application on a form prescribed by the
11 department;

12 (3) satisfy the facility and equipment requirements of
13 Section 1601.353; and

14 (4) pay the required fee ~~[demonstrate to the~~
15 ~~department that the school meets the requirements of this~~
16 ~~subchapter for issuance of a permit].~~

17 ~~[(b) Before issuing a barber school permit, the department~~
18 ~~must determine that the applicant is financially sound and capable~~
19 ~~of fulfilling the applicant's commitments for training.]~~

20 SECTION 6. Section 1601.353, Occupations Code, is amended
21 to read as follows:

22 Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT.

23 ~~[(a)]~~ The department may ~~[not]~~ approve an application for a permit
24 for a barber school if ~~[that provides training leading to issuance~~
25 ~~of a Class A barber certificate unless]~~ the school ~~[has]~~:

26 (1) is located in:

27 (A) a municipality with a population of more than

1 50,000 that has a building of permanent construction containing at
2 least 2,000 [~~2,800~~] square feet of floor space, including classroom
3 and practical areas, covered in [~~divided into at least:~~

- 4 [~~(A) a senior department;~~
- 5 [~~(B) a junior department;~~
- 6 [~~(C) a class theory room;~~
- 7 [~~(D) a supply room;~~
- 8 [~~(E) an office space; and~~
- 9 [~~(F) separate restrooms for male and female~~
- 10 ~~students;~~

11 [~~(2)~~] a hard-surface floor-covering of tile or other
12 suitable material; or

13 (B) a municipality with a population of 50,000 or
14 less that has a building of permanent construction containing at
15 least 1,000 square feet of floor space, including classroom and
16 practical areas, covered in a hard-surface floor-covering of tile
17 or other suitable material;

18 (2) has the following equipment:

19 (A) [~~(3)~~] at least 10 student workstations that
20 include a chair that reclines, a back bar, and a wall mirror [~~20~~
21 ~~modern barber chairs, including a cabinet and mirror for each~~
22 ~~chair];~~

23 (B) [~~(4)~~] a sink behind every two workstations
24 [~~barber chairs];~~

25 (C) [~~(5)~~] a liquid sterilizer for each
26 workstation [~~barber chair];~~

27 (D) [~~(6)~~] an adequate number of latherers,

1 ~~vibrators, and hair dryers for student use;~~
2 ~~[(7)]~~ adequate lighting for each room;
3 (E) [(8)] at least 10 [20] classroom chairs and
4 other materials necessary to teach the required subjects; and
5 (F) access to permanent restrooms and~~[, a~~
6 ~~blackboard, anatomical charts of the head, neck, and face, and one~~
7 ~~barber chair in the class theory room;~~
8 ~~[(9)]~~ at least one medical dictionary and a standard
9 ~~work on human anatomy;~~
10 ~~[(10)]~~ adequate drinking fountain facilities~~[, with~~
11 ~~at least one for each floor]; and~~
12 (3) meets any other requirement set by the commission
13 ~~[(11)]~~ at least one fire extinguisher].
14 ~~[(b) An applicant for a barber school permit must submit to~~
15 ~~the department:~~
16 ~~[(1)]~~ a detailed drawing and chart of the proposed
17 ~~physical layout of the school, showing the departments, floor~~
18 ~~space, equipment, lights, and outlets;~~
19 ~~[(2)]~~ photographs of the proposed site for the school,
20 ~~including the interior and exterior of the building, rooms, and~~
21 ~~departments;~~
22 ~~[(3)]~~ a detailed copy of the training program;
23 ~~[(4)]~~ a copy of the catalogue and promotional
24 ~~literature of the school;~~
25 ~~[(5)]~~ a copy of the building lease or proposed building
26 ~~lease if the building is not owned by the school;~~
27 ~~[(6)]~~ a sworn statement showing the ownership of the

1 ~~school, and~~

2 ~~[(7) the required permit fee.]~~

3 SECTION 7. Subsection (b), Section 1601.402, Occupations
4 Code, is amended to read as follows:

5 (b) A Class A barber, barber technician, instructor
6 ~~[teacher]~~, manicurist, or other licensed specialist must renew the
7 person's certificate or license on or before the expiration date.

8 SECTION 8. Subsection (a), Section 1601.405, Occupations
9 Code, is amended to read as follows:

10 (a) The department may not require a Class A barber, barber
11 technician, instructor ~~[teacher]~~, or manicurist who is serving on
12 active duty in the United States armed forces to renew the person's
13 certificate or license.

14 SECTION 9. Section 1601.560, Occupations Code, is amended
15 to read as follows:

16 Sec. 1601.560. INSTRUCTOR-TO-STUDENT RATIO ~~[QUALIFIED~~
17 ~~INSTRUCTOR]~~. (a) A ~~[In addition to the teacher required by~~
18 ~~Section 1601.355(b), a]~~ barber school must ~~[that provides training~~
19 ~~leading to issuance of a Class A barber certificate shall]~~ have at
20 least one ~~[qualified]~~ instructor ~~[, holding a Class A certificate,~~
21 for every 25 students on the school's premises. ~~[A teacher may~~
22 ~~serve as an instructor in practical work in addition to holding a~~
23 ~~position as a theory teacher.]~~

24 (b) A barber school must have at least one instructor for
25 every three student instructors on the school's premises ~~[may not~~
26 ~~enroll more than one student teacher for each certified teacher who~~
27 ~~teaches at the school]~~. A student instructor ~~[teacher]~~ shall

1 concentrate on developing teaching skills and may not be booked
2 with customers.

3 SECTION 10. Section 1601.602, Occupations Code, is amended
4 to read as follows:

5 Sec. 1601.602. REVOCATION OF STUDENT INSTRUCTOR'S
6 [~~TEACHER'S~~] BARBER CERTIFICATE. A violation of Section 1601.560(b)
7 by a student instructor [~~teacher~~] is a ground for the revocation of
8 the [~~person's~~] student instructor's [~~teacher~~] barber certificate
9 [~~license~~].

10 SECTION 11. Subsection (a), Section 1602.002, Occupations
11 Code, is amended to read as follows:

12 (a) In this chapter, "cosmetology" means the practice of
13 performing or offering to perform for compensation any of the
14 following services:

15 (1) treating a person's hair by:

16 (A) providing any method of treatment as a
17 primary service, including arranging, beautifying, bleaching,
18 cleansing, coloring, cutting, dressing, dyeing, processing,
19 shampooing, shaping, singeing, straightening, styling, tinting, or
20 waving;

21 (B) providing a necessary service that is
22 preparatory or ancillary to a service under Paragraph (A),
23 including bobbing, clipping, cutting, or trimming; or

24 (C) cutting the person's hair as a separate and
25 independent service for which a charge is directly or indirectly
26 made separately from charges for any other service;

27 (2) weaving or braiding a person's hair;

- 1 (3) shampooing and conditioning a person's hair;
- 2 (4) servicing a person's wig or artificial hairpiece
3 on a person's head or on a block after the initial retail sale and
4 servicing in any manner listed in Subdivision (1);
- 5 (5) treating a person's mustache or beard by
6 arranging, beautifying, coloring, processing, styling, or
7 trimming;
- 8 (6) cleansing, stimulating, or massaging a person's
9 scalp, face, neck, or arms:
- 10 (A) by hand or by using a device, apparatus, or
11 appliance; and
- 12 (B) with or without the use of any cosmetic
13 preparation, antiseptic, tonic, lotion, or cream;
- 14 (7) beautifying a person's face, neck, or arms using a
15 cosmetic preparation, antiseptic, tonic, lotion, powder, oil,
16 clay, cream, or appliance;
- 17 (8) administering facial treatments;
- 18 (9) removing superfluous hair from a person's body
19 using depilatories, preparations, or tweezing techniques
20 [~~mechanical tweezers~~];
- 21 (10) treating a person's nails by:
- 22 (A) cutting, trimming, polishing, tinting,
23 coloring, cleansing, or manicuring; or
- 24 (B) attaching false nails; or
- 25 (11) massaging, cleansing, treating, or beautifying a
26 person's hands or feet.

27 SECTION 12. Section 1602.254, Occupations Code, is amended

1 by amending Subsection (b) and adding Subsection (c) to read as
2 follows:

3 (b) To be eligible for an operator license, an applicant
4 must meet the requirements of Subsection (c) or:

5 (1) be at least 17 years of age;

6 (2) have obtained a high school diploma or the
7 equivalent of a high school diploma or have passed a valid
8 examination administered by a certified testing agency that
9 measures the person's ability to benefit from training; and

10 (3) have completed:

11 (A) 1,500 hours of instruction in a licensed
12 beauty culture school; or

13 (B) 1,000 hours of instruction in beauty culture
14 courses and 500 hours of related high school courses prescribed by
15 the commission in a vocational cosmetology program in a public
16 school.

17 (c) The commission shall adopt rules for the issuance of an
18 operator license under this section to a person who holds a Class A
19 barber certificate. The department shall issue the license to an
20 applicant who:

21 (1) holds an active Class A barber certificate;

22 (2) completes 300 hours of instruction in cosmetology
23 through a commission-approved training program in a cosmetology
24 school;

25 (3) passes the examination required under Section
26 1602.262; and

27 (4) submits to the department:

1 (A) an application on a form prescribed by the
2 department; and

3 (B) the required fee.

4 SECTION 13. Subsection (b), Section 1602.255, Occupations
5 Code, is amended to read as follows:

6 (b) To be eligible for an instructor license, an applicant
7 must:

8 (1) be at least 18 years of age;

9 (2) have a high school diploma [~~completed the 12th~~
10 ~~grade~~] or a high school equivalency certificate [~~its equivalent~~];

11 (3) hold an operator license under this chapter; [~~and~~]

12 (4) have [~~completed~~]:

13 (A) completed [~~a course consisting of~~] 750 hours
14 of instruction in [~~cosmetology courses and~~] methods of teaching in:

15 (i) a licensed private beauty culture
16 school; or

17 (ii) a vocational training program of a
18 publicly financed postsecondary institution; [~~or~~]

19 (B) completed at least:

20 (i) one year [~~two years~~] of verifiable
21 experience as a licensed cosmetology operator; and

22 (ii) 500 [~~250~~] hours of instruction in
23 cosmetology in a commission-approved training program;

24 (C) completed 15 semester hours in education
25 courses through an accredited college or university within the 10
26 years before the date of application; or

27 (D) obtained a degree in education from an

1 accredited college or university; and
2 (5) pass the examination required under Section
3 1602.262.

4 SECTION 14. Section 1602.257, Occupations Code, is amended
5 to read as follows:

6 Sec. 1602.257. ELIGIBILITY FOR ESTHETICIAN [~~A FACIALIST~~]
7 SPECIALTY LICENSE. (a) A person holding an esthetician [~~a~~
8 ~~facialist~~] specialty license may perform only the practice of
9 cosmetology defined in Sections 1602.002(a)(6) through (9).

10 (b) To be eligible for an esthetician [~~a facialist~~]
11 specialty license, an applicant must:

- 12 (1) be at least 17 years of age;
- 13 (2) have obtained a high school diploma or the
14 equivalent of a high school diploma or have passed a valid
15 examination administered by a certified testing agency that
16 measures the person's ability to benefit from training; and
- 17 (3) have completed 750 hours of instruction in
18 esthetics [~~facialist~~] specialty through a commission-approved
19 training program.

20 SECTION 15. Subchapter F, Chapter 1602, Occupations Code,
21 is amended by adding Section 1602.261 to read as follows:

22 Sec. 1602.261. ELIGIBILITY FOR MANICURIST/ESTHETICIAN
23 SPECIALTY LICENSE. (a) A person holding a manicurist/esthetician
24 specialty license may perform only the practice of cosmetology
25 defined in Sections 1602.002(a)(6) through (11).

26 (b) To be eligible for a manicurist/esthetician specialty
27 license, an applicant must:

1 (1) submit an application on a form prescribed by the
2 department;

3 (2) pay the required fee; and

4 (3) either:

5 (A) hold both an active manicurist specialty
6 license and an active esthetician specialty license; or

7 (B) meet the educational requirements of
8 Subsection (c).

9 (c) An applicant who qualifies under Subsection (b)(3)(B)
10 must:

11 (1) either:

12 (A) have obtained a high school diploma or a high
13 school equivalency certificate; or

14 (B) have passed a valid examination administered
15 by a certified testing agency that measures the person's ability to
16 benefit from training; and

17 (2) have completed:

18 (A) 1,200 hours of instruction in a
19 manicure/esthetics specialty curriculum in a commission-approved
20 training program; or

21 (B) 600 hours of instruction in a manicure
22 curriculum and 750 hours of instruction in an esthetics curriculum
23 in commission-approved training programs.

24 SECTION 16. Section 1602.262, Occupations Code, is amended
25 to read as follows:

26 Sec. 1602.262. ISSUANCE OF LICENSE OR CERTIFICATE. (a) An
27 applicant for a [~~an operator~~] license under this chapter [7

1 ~~instructor license, manicurist specialty license, or facialist~~
2 ~~specialty license]~~ is entitled to the license if the applicant:

- 3 (1) meets the applicable eligibility requirements;
- 4 (2) passes the applicable examination;
- 5 (3) pays the required fee; ~~and~~
- 6 (4) has not committed an act that constitutes a ground
7 for denial of the license; and
- 8 (5) submits an application on a form prescribed by the
9 department.

10 (b) An applicant for a specialty certificate is entitled to
11 the certificate if the applicant:

- 12 (1) meets the eligibility requirements;
- 13 (2) pays the required fee; ~~and~~
- 14 (3) has not committed an act that constitutes a ground
15 for denial of the certificate; and
- 16 (4) submits an application on a form prescribed by the
17 department.

18 SECTION 17. Subsection (c), Section 1602.267, Occupations
19 Code, is amended to read as follows:

20 (c) A shampoo apprentice permit expires on the second
21 ~~first~~ anniversary of the date of issuance and may not be renewed.

22 SECTION 18. Subsection (b), Section 1602.303, Occupations
23 Code, is amended to read as follows:

24 (b) An application for a private beauty culture school
25 license must be accompanied by the required license fee and
26 inspection fee and:

- 27 (1) be on a form prescribed by the department;

1 (2) be verified by the applicant; and

2 (3) contain a statement that the building:

3 (A) is of permanent construction and is divided
4 into at least two separate areas:

5 (i) one area for instruction in theory; and

6 (ii) one area for clinic work;

7 (B) contains a minimum of:

8 (i) 2,000 [~~3,500~~] square feet of floor
9 space if the building is located in a municipality with a population
10 of more than 50,000; or

11 (ii) 1,000 square feet of floor space if the
12 building is located in a municipality with a population of 50,000 or
13 less;

14 (C) has access to permanent restrooms and
15 adequate drinking fountain facilities [~~separate restrooms for male~~
16 ~~and female students~~]; and

17 (D) contains, or will contain before classes
18 begin, the equipment established by commission rule as sufficient
19 to properly instruct a minimum of 10 [~~50~~] students.

20 SECTION 19. Subsection (a), Section 1602.451, Occupations
21 Code, is amended to read as follows:

22 (a) The holder of a private beauty culture school license
23 shall:

24 (1) maintain a sanitary establishment;

25 (2) maintain [~~on its staff and~~] on duty [~~during~~
26 ~~business hours~~] one full-time licensed instructor for each 25
27 students in attendance;

- 1 (3) maintain a daily record of students' attendance;
- 2 (4) establish regular class and instruction hours and
3 grades;
- 4 (5) require a school term of not less than nine months
5 and not less than 1,500 hours instruction for a complete course in
6 cosmetology;
- 7 (6) require a school term of not less than 600 hours
8 instruction for a complete course in manicuring;
- 9 (7) hold examinations before issuing diplomas;
- 10 (8) maintain a copy of the school's curriculum in a
11 conspicuous place and verify that the curriculum is being followed;
- 12 (9) publish in the school's catalogue and enrollment
13 contract a description of the refund policy required under Section
14 1602.458; and
- 15 (10) provide the department with information on:
 - 16 (A) the current course completion rates of
17 students who attend a course of instruction offered by the school;
18 and
 - 19 (B) job placement rates and employment rates of
20 students who complete the course of instruction.

21 SECTION 20. Section 1603.255, Occupations Code, is amended
22 to read as follows:

23 Sec. 1603.255. EARLY EXAMINATION. The department [~~on~~
24 ~~written request by a student,~~] may allow [~~provide~~] for the early
25 written examination of a student who has completed the following
26 number of [~~an applicant for a Class A barber certificate, a~~
27 ~~teacher's certificate, or an operator license who has completed at~~

1 ~~least 1,000~~] hours of instruction in a department-approved training
2 program:

3 (1) 1,000 hours for a student seeking a Class A barber
4 certificate or operator license in a private barber or cosmetology
5 school; or

6 (2) 900 hours for a student seeking a Class A barber
7 certificate or operator license in a publicly funded barber or
8 cosmetology school.

9 SECTION 21. Subsections (a), (b), and (c), Section
10 1603.352, Occupations Code, are amended to read as follows:

11 (a) A person who holds a license, certificate, or permit
12 issued under this chapter, Chapter 1601, or Chapter 1602 and who
13 performs a barbering service described by Section 1601.002(1)(E) or
14 (F) or a cosmetology service described by Section 1602.002(a)(10)
15 or (11) shall, before performing the service, clean, disinfect, and
16 sterilize with an autoclave or ~~[a]~~ dry heat sterilizer or sanitize
17 with an~~[7]~~ ultraviolet sanitizer, ~~[or other department-approved~~
18 ~~sterilizer,~~] in accordance with the sterilizer or sanitizer
19 manufacturer's instructions, each metal instrument, including
20 metal nail clippers, cuticle pushers, cuticle nippers, and other
21 metal instruments, used to perform the service.

22 (b) The owner or manager of a barber shop, barber school,
23 beauty shop, specialty shop, beauty culture school, or other
24 facility licensed under this chapter, Chapter 1601, or Chapter
25 1602, is responsible for providing an autoclave, ~~[or]~~ a dry heat
26 sterilizer, or an ultraviolet sanitizer~~[, or other~~
27 ~~department-approved sterilizer]~~ for use in the shop or school as

1 required by Subsection (a). [~~An autoclave or a dry heat,~~
2 ~~ultraviolet, or other department-approved sterilizer used as~~
3 ~~required by Subsection (a) must be listed with the United States~~
4 ~~Food and Drug Administration.~~]

5 (c) Each sterilized or sanitized instrument must be stored
6 in accordance with the manufacturer's instructions.

7 SECTION 22. The following provisions of the Occupations
8 Code are repealed:

9 (1) Subdivision (5), Subsection (a), Section
10 1601.001;

11 (2) Section 1601.354;

12 (3) Section 1601.355; and

13 (4) Subsection (b), Section 1602.403.

14 SECTION 23. (a) The Texas Department of Licensing and
15 Regulation shall conduct a study that analyzes the performance of
16 barber schools under Subchapter L, Chapter 1601, Occupations Code,
17 and beauty culture schools under Subchapter J, Chapter 1602,
18 Occupations Code, including the payment of refunds and
19 recommendations for improvements to the process for the payment of
20 refunds to eligible students.

21 (b) In conducting the study, the Texas Department of
22 Licensing and Regulation shall consult with:

23 (1) the Advisory Board on Barbering;

24 (2) the Advisory Board on Cosmetology;

25 (3) national accrediting organizations for barbers
26 and cosmetologists;

27 (4) representatives of barber schools and beauty

1 culture schools; and

2 (5) barbers, cosmetologists, and other interested
3 parties.

4 (c) Not later than September 1, 2012, the Texas Department
5 of Licensing and Regulation shall report the results of the study to
6 the:

7 (1) House Committee on Licensing and Administrative
8 Procedures; and

9 (2) Senate Committee on Business and Commerce.

10 (d) This section expires September 1, 2013.

11 SECTION 24. (a) The changes in law made by this Act apply
12 only to an application for the issuance or renewal of a license or
13 certificate that is filed with the Texas Department of Licensing
14 and Regulation on or after the effective date of this Act. An
15 application for the issuance or renewal of a license or certificate
16 that is filed before the effective date of this Act is governed by
17 the law in effect on the date the application was filed, and the
18 former law is continued in effect for that purpose.

19 (b) The Texas Commission of Licensing and Regulation shall
20 adopt rules necessary to implement the changes in law made by this
21 Act not later than March 31, 2012.

22 SECTION 25. This Act takes effect September 1, 2011.